

**Board of Chiropractic Examiners**  
**INITIAL STATEMENT OF REASONS**

**Hearing Date:** September 29, 2008 in Sacramento, California.

**Subject Matter of Proposed Regulations:** Chiropractic Quality Review Panels (CQRP)

**Sections Affected:**

The proposed regulations would amend Section 305 and repeal Section 306.1, which is contained in Article 1 in Division 4 of Title 16 of the California Code of Regulations (CCR).

**Specific Purpose and Factual Basis of each amendment or repeal:**

**Section 306.1**

Section 306.1 became effective on June 14, 1993, which required the Board to establish a Chiropractic Quality Review Panel (CQRP) by county throughout California to hear and provide recommendation for appropriate disciplinary actions regarding cases referred by the Board's Executive Officer. The regulation has never been implemented.

Existing language requires three panel members in each county. There are 58 counties in California which would result in a total of 174 panel members. Each panel member would be paid a salary of \$100 per day costing the Board a minimum of \$174,000 per year, not including travel and court reporter's fees. If the panel meets more than once a year, costs will increase. As of June 30 2008, there were 10 or fewer complaints against Chiropractor's in 31 counties during FY 2007-2008. Under existing language the Board would have to convene CQRP's in all counties resulting in needless expense.

As currently written, this regulation grants each CQRP a limited scope of action. CQRP's may review cases and make recommendations of action to the Executive Officer. Recommendations are limited to continuing education, a referral to the Department of Justice, Office of the Attorney General for formal disciplinary action, a referral for further investigation, closure of the case with or without a warning, and finally, dismissal of the case. Additionally, the amount of time for processing complaints would be increased, simply due to scheduling of panel meetings. In counties with fewer licensee's or complaints, cases could sit for almost a year waiting for the panel to convene. Furthermore, for cases that require formal disciplinary action would require a referral to the Department of Justice, Office of the Attorney General to prepare and process an Accusation. This would result in additional cost to the Board and further increase the time to process the more sever complaints.

All members of CQRP's would be licensed Chiropractors thereby creating a peer review system which is contrary to current regulatory policy to assure that the independence of licensing Board.

This proposal is necessary because this regulation as it currently exists is too expensive to implement, the panels created would be ineffective due to their limited scope of action, and could lead to a loss of the Board's ability to protect consumers from unsafe practitioners. Additionally, enforcement functions are performed by Board staff, which is overall more effective. For the more complex cases, Board staff confers with expert witness, in-house investigators, and the Department of Justice, Office of the Attorney Generals.

### **Section 305**

With the proposal to repeal Section 306.1, this amendment is necessary to remove the reference to CQPR's.

#### Underlying Data:

The May 22, 2008 board meeting – draft minutes  
California Bureau of State Audits – Summary Report – March 2008

#### Business Impact:

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

This proposal simply repeals a Section that has not been implemented; therefore, this proposal will not result in additional costs to licensees.

#### Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

#### Consideration of Alternatives:

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation.